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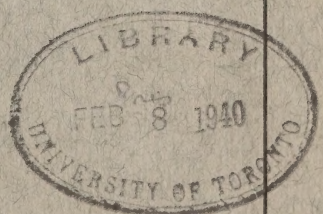
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ACTIVE SERVICE VOTING REGULATIONS

To enable Canadian Electors on Active Service to exercise
their right to vote at a Dominion General Election
held during the present War

Published by Jules Castonguay,
Chief Electoral Officer for Canada



OTTAWA
J. O. PATENAUDE, I.S.O.
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ACTIVE SERVICE VOTING REGULATIONS

To enable Canadian Electors on Active Service to exercise their right to vote at a Dominion General Election held during the present War, notwithstanding anything to the contrary in *The Dominion Elections Act, 1938*, contained.

1. These regulations may be cited as *The Active Service Voting Regulations*. Short title.

2. (1) These regulations shall apply only to a general election held during the period of the present War and until demobilization is complete. Application.

(2) The Chief Electoral Officer shall exercise general direction and supervision over the administration of every detail prescribed by these regulations.

3. In these regulations, unless the context otherwise requires, the expression Definitions.

(a) "Active Service Elector" means and includes every person, man or woman, who, being a British subject, ordinarily resident in Canada, and whether or not a minor, has been appointed to, enlisted in, enrolled at, or placed on or called into active service as a member of the Naval Forces of Canada, The Canadian Active Service Force, the Canadian Militia, and the Royal Canadian Air Force, whether as officer, soldier, sailor, dentist, nurse, aviator, mechanician, air man, or otherwise, and who remains a member of such Forces or on such active service during a Dominion general election. "Active Service Elector."

(b) "inner envelope" means the small envelope in which the ballot paper is to be placed after it has been marked by the Active Service elector, and before it is transmitted to the Special Returning Officer in the outer envelope herein after defined. "inner envelope."

(c) "outer envelope" means the envelope, upon which the official seal of the Chief Electoral Officer has been embossed, provided for transmission by mail of the ballot paper (when enclosed in the inner envelope) of an Active Service elector to a Special Returning Officer, which envelope has been printed as follows: on the front with the complete post office address of a Special Returning Officer, and on the back with the declaration in Form No. 7 of these regulations. "outer envelope."

(d) "Unit" means and includes a military, naval or air unit, detachment, formation, ship or establishment. "Unit."

(e) General Officer Commanding means:

(i) With respect to the Military Forces,—

The District Officer Commanding each Military District in Canada. "Commanding Officer."

The Commandant, Royal Military College, Kingston.
The Adjutant General, Ottawa.

(ii) With respect to the Naval Forces,—

The Naval Officer Commanding Atlantic Coast.
The Naval Officer Commanding the Pacific Coast.
The Chief of Naval Staff.

(iii) With respect to the Air Force,—

The Air Officer Commanding Eastern Air Command.
The Air Officer Commanding Training Command.
The Air Officer Commanding Western Command.

(iv) With respect to troops in the United Kingdom,—
The General Officer Commanding First Canadian Division and Ancillary Units.

The Senior Combatant Officer of Canadian Military Headquarters in Great Britain.

(f) Commanding Officer means:

The Officer Commanding any unit, formation, detachment, ship or establishment.

"Chief Electoral Officer."

(g) "Chief Electoral Officer" is the officer so designated in *The Dominion Elections Act, 1938*.

Residence qualification of Active Service elector.

4. Every Active Service elector shall be entitled to vote at a Dominion general election if he can particularly specify the City, Town or Village, with complete street address, if any, or other place, in any of the provinces of Canada wherein he was ordinarily resident immediately preceding the date of his appointment, enlistment, enrolment or calling out on active service, and his vote shall be applied only in the electoral district in which such place of ordinary residence is situated.

Definition of ordinary "residence."

5. For the purpose of these regulations the place of ordinary residence of an Active Service elector is that place which has been, or which he has adopted as, the place of his habitation or home, whereto, when away therefrom, he intends to return. An Active Service elector can have only one place of ordinary residence and it cannot be lost until another is gained. Absence from a place of ordinary residence while on Active Service does not cause a loss or change of place of ordinary residence. An Active Service elector shall be deemed to continue to ordinarily reside in the place in which he was ordinarily resident at the time of his appointment, enlistment, enrolment or calling out on Active Service.

Disqualification for want of residence.

6. If an Active Service elector cannot particularly specify a City, Town or Village, with complete street address, if any, or other place, in any of the provinces of Canada wherein he was ordinarily resident immediately

preceding the date of his appointment, enlistment, enrolment or calling out on active service, he shall not be entitled to vote under the provisions of these regulations.

Special Returning Officers and their Staffs.

7. The Governor in Council shall, whenever necessary for the purpose of these regulations, appoint the hereinafter mentioned officers:

Appoint-
ments by
Governor
in Council.

(a) A Special Returning Officer, who shall be stationed at Ottawa, who shall superintend the taking, sorting and counting of the vote cast by Active Service electors in the Provinces of Ontario, Quebec and Manitoba.

Special
Returning
Officers at
Ottawa.

(b) A Special Returning Officer, who shall be stationed at Halifax, and shall superintend the taking, sorting and counting of the vote cast by Active Service electors in the Provinces of Nova Scotia, New Brunswick and Prince Edward Island.

Special
Returning
Officer in
Halifax.

(c) A Special Returning Officer, who shall be stationed at Edmonton, who shall superintend the taking, sorting and counting of the vote cast by Active Service electors in the Provinces of British Columbia, Saskatchewan and Alberta, and the Yukon Territory.

Special
Returning
Officer at
Edmonton.

(d) A Special Returning Officer, who shall be stationed in the office of the High Commissioner for Canada, in London, England, who shall superintend the taking, sorting and counting of the vote cast by Active Service electors in The United Kingdom.

Special
Returning
Officer in
England.

(2) If at the time of a General Election there are Active Service electors as herein defined, on active service in other countries than those mentioned in subsection (1), and the taking, sorting and counting of the vote of Active Service electors in such countries cannot be efficiently superintended by one of the Special Returning Officers in Canada, nor by the Special Returning Officer in the United Kingdom, the Governor in Council may appoint a Special Returning Officer to superintend the taking, sorting and counting of the vote of Active Service electors in such country.

Special
Returning
Officer in
other
countries.

8. (1) Special Returning Officers shall act under direction of the Chief Electoral Officer, and shall be sworn in Form No. 1 of these regulations before the Chief Electoral Officer or before a Judge of a Court of Record, to the faithful performance of their duties as Special Returning Officers. And upon completion of such duties their tenure of office shall cease.

Oath and
tenure of
office of
Special
Returning
Officer.

(2) If, during a general election, the Special Returning Officer dies or becomes unable to act, the Chief Assistant shall until the appointment of a new Special Returning

When Special
Returning
Officer un-
able to act.

Officer, or until the Special Returning Officer is able to resume his duties, assume and perform all the duties of the Special Returning Officer.

Selection,
appointment
and oath of
scrutineers.

9. The Chief Electoral Officer shall appoint, whenever necessary for the purposes of these Regulations, six scrutineers for duty in the office of each Special Returning Officer appointed pursuant to the provisions of section seven of these Regulations. Two of such six scrutineers shall be nominated by the Prime Minister, two by the Leader of the Opposition and two on the joint recommendation of the Leaders of political groups having a membership in the House of Commons of six or more. Each scrutineer shall be appointed and sworn in Form No. 2 before a Special Returning Officer to the faithful performance of the duties imposed upon him by these Regulations. Provided that if within one week after the date of the issue of the writs for a general election insufficient or no nominations of scrutineers are received by the Chief Electoral Officer he may himself select and appoint to any necessary extent.

Appointment
and Oath of
Chief
Assistant.

10. The Governor in Council shall, on the recommendation of the Chief Electoral Officer, appoint a person to act as Chief Assistant in the office of each Special Returning Officer. Each Chief Assistant appointed shall be sworn in Form No. 3 before the Chief Electoral Officer or a Judge of a Court of Record, to the faithful performance of the duties imposed upon him by these regulations.

Duties of
Special
Returning
Officer and
his staff.

11. The Special Returning Officer, the Chief Assistant and the scrutineers shall determine the correct electoral district in which is situated the place of residence stated by the Active Service elector in his declaration in Form No. 7 of these regulations, printed on the back of the outer envelope. This determination shall also be made in cases in which an Active Service elector has thereon stated the name of an electoral district in the said declaration.

Remuner-
ation.

12. Special Returning Officers, Chief Assistants and scrutineers hereinbefore mentioned shall be paid for their personal services as the Governor in Council may provide; they shall be reimbursed their actual travelling expenses and allowed living expenses at a rate to be fixed by the Governor in Council, out of unappropriated moneys in the Consolidated Revenue Fund.

Appoint-
ment, oath,
etc., of
clerical
assistant.

13. Each Special Returning Officer shall select and appoint, subject to the approval of the Chief Electoral Officer, and swear such clerical assistants as may be necessary for the proper performance of the duties of his office, and

such appointment and oath shall be in Form No. 4 of these regulations. Clerical assistants shall be paid for their services out of unappropriated moneys in the Consolidated Revenue Fund at a rate to be fixed by the Governor in Council. Clerical assistants shall be discharged as soon as their services are no longer needed.

14. Every Special Returning Officer, Chief Assistant, scrutineer or clerical assistant who wilfully omits to comply with the provisions of these regulations shall be liable on summary conviction to a penalty of not less than fifty dollars nor more than two hundred dollars, and every Special Returning Officer, Chief Assistant, scrutineer or clerical assistant who refuses to comply with any of the provisions thereof, shall on summary conviction, be liable to a penalty of not less than two hundred dollars nor more than five hundred dollars.

Liability of
Special
Returning
Officer and
staff.

Procedure to be Followed in Taking the Votes of Active Service Electors.

15. As soon as may be after the writs for a general election have been issued, the Chief Electoral Officer shall so notify each Special Returning Officer, and as soon as possible after receipt of such notification every Special Returning Officer shall accordingly advise the General Officer Commanding each unit composed of Active Service electors, stationed within the territory for which he has been appointed Special Returning Officer.

Notice of
general
election,
how given.

16. The said General Officer Commanding shall forthwith publish, as a part of orders, Form No. 5 of these regulations informing all Active Service electors under his Command that a general election is being held in Canada, and stating the dates fixed for nomination and polling day. The said notice shall also state that all Active Service electors may cast their votes before any Commissioned Officer designated by the Commanding Officer of his Unit for that purpose, on application to such Officer during such hours as may be indicated by the officer commanding, not less than three each day, between nine o'clock in the forenoon and nine o'clock in the afternoon, local standard time, during the period between the Thursday immediately following Nomination Day, if the Active Service elector be in any unit outside of Canada, and if he be in any unit within Canada between the Saturday following Nomination day, and in either case the Saturday immediately preceding polling day, inclusive, but excepting Good Friday and Sunday.

Publication
of notice of
general
election.

17. As soon as possible after publication of a notice in orders, in Form No. 5, each commanding officer shall furnish to the Special Returning Officer for the territory

List of
names, etc.,
of Active
Service
electors.

in which the Active Service electors concerned will cast their votes, a list of the names, ranks and numbers of all members of his unit.

Purpose of
lists of names.

18. Forthwith upon receipt of the list of names, ranks and numbers of Active Service electors, pursuant to the immediately preceding section, the Special Returning Officer shall prepare a list thereof, either in numerical order (in consecutive numbers) or in alphabetical (according to surnames and names).

Active
Service
elector in
hospital,
etc.

19. Every Active Service elector in an hospital or convalescent institution during the period prescribed by these regulations for the casting of votes, shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution.

Facilities
for voting.

20. The Officer in Command of every unit composed of Active Service electors as herein defined shall afford all necessary facilities for such electors to cast their votes in the manner prescribed by these regulations so far as may be done consistently with the proper performance of their duties.

Supplies to
Special
Returning
Officers.

21. The Chief Electoral Officer shall provide each Special Returning Officer with a sufficient supply of ballot papers, envelopes, copies of these regulations, Cards of Instructions and other materials required for the taking of the vote of Active Service electors.

Form of
ballot paper.

22. (1) The ballot papers supplied by the Chief Electoral Officer for the taking of the vote of Active Service electors, shall be in Form No. 6 of these regulations, shall have only one space in which an appropriate place is provided for the Active Service elector to write the name of the candidate for whom he wishes to vote.

(2) Each Active Service elector will vote for only one candidate unless he is qualified to vote in the electoral district of Halifax in the Province of Nova Scotia or in the electoral district of Queens in the Province of Prince Edward Island, both of which return two members of the House of Commons. In the case of only these two electoral districts the Active Service elector may write the names of two candidates on the ballot paper.

Distribution
of supplies to
Commanding
Officers.

23. (1) Each Special Returning Officer shall provide a sufficient supply of ballot papers, outer envelopes, inner envelopes, copies of these regulations, Cards of Instructions and other necessary materials to the Commanding Officer of each unit on active service within his particular territory. Such ballot papers, envelopes, copies of these regu-

lations, Cards of Instructions and other materials shall be safely held by such Commanding Officer until required for the taking of the vote of Active Service electors.

(2) Each Special Returning Officer shall keep a record of the number of ballot papers supplied by him to each Commanding Officer, on the forms supplied for that purpose by the Chief Electoral Officer, and, after the election, shall transmit such record to the Chief Electoral Officer with the other documents.

Record of distribution of ballot papers.

24. As soon as possible after nominations of candidates at a Dominion General Election have closed, on the fourteenth day before polling day, the Chief Electoral Officer shall furnish a sufficient number of copies of a printed list of the names, addresses and occupations of all candidates officially nominated in every electoral district in Canada, to the Special Returning Officers in Ottawa, Halifax and Edmonton, and shall cable the entire contents of such list to all other Special Returning Officers wherever stationed.

List of names, etc., of candidates.

25. The Special Returning Officers in Ottawa, Halifax and Edmonton shall transmit a sufficient number of copies of candidates officially nominated, forthwith upon receipt of such lists from the Chief Electoral Officer, to the Commanding Officers of all units composed of Active Service electors as herein defined, stationed in the provinces for which they have been appointed, and such Commanding Officers shall cause copies of such list to be published as part of orders, on the bulletin boards of their units, and in other conspicuous places.

List of names, etc., of candidates; how dealt with in Canada.

26. The Special Returning Officers in The United Kingdom, and elsewhere, if any, shall immediately cause the list of names, addresses and occupations of candidates officially nominated, as cabled to them by the Chief Electoral Officer, to be printed, and shall transmit a sufficient number of copies thereof to the Commanding Officer of every unit composed of Active Service electors as herein defined, in their respective territories, and such Commanding Officers shall cause copies of such list to be published as part of orders, on the bulletin boards of their units, and in other conspicuous places.

List of names, etc., of candidates; how dealt with in United Kingdom.

27. (1) The vote of every Active Service elector shall be cast before any commissioned officer who has been designated by his Commanding Officer for that purpose, who is himself an Active Service elector, as defined in these regulations, and has not been officially nominated as a candidate in any electoral district.

Before whom votes to be cast.

(2) In any place, and at any time at which Active Service electors are casting their votes, the commissioned officer before whom such votes are cast shall cause at least two copies of the Card of Instructions supplied by the Chief Electoral Officer, to be posted up in conspicuous places.

Agent of
candidate.

28. Any person qualified to vote under the *Dominion Elections Act, 1938*, or under these regulations, may act as the agent of a candidate. Such agent may be present whenever Active Service electors are casting their votes.

Declaration
by Active
Service
elector.

29. Before delivering a ballot paper to an Active Service elector the commissioned officer before whom the vote is to be cast shall require such elector to make a declaration before him, which declaration shall be in Form No. 7 of these regulations and shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Active Service elector's name, rank, and number, that he is a British subject, has not previously voted at the pending election, and the name of the City, Town or Village, with complete street address, if any, or other place in Canada, wherein he was ordinarily resident immediately preceding his appointment, enlistment, enrolment or being called on active service. The province in which such residence is situated shall also be stated. If the Active Service elector is able to definitely state the name of the electoral district in which such place of ordinary residence is situated, it may be stated in the blank space provided for that purpose in the declaration, but this shall not be regarded as essential. The commissioned officer shall cause the Active Service elector to sign the declaration and shall affix his own signature, rank and designation of his unit in the space provided for that purpose.

Manner of
voting by
Active
Service
elector.

30. After the declaration of the Active Service elector has been completed and signed by both the commissioned officer and the Active Service elector, the commissioned officer shall hand a ballot paper and an inner envelope to such elector, who shall mark the ballot paper, either with ink or pencil, and fold the ballot paper in such a manner that no other person can see for whom he has voted. Then, in full view of the commissioned officer, the Active Service elector shall place the ballot paper so folded in the inner envelope, seal such inner envelope, and hand it to the commissioned officer, who shall in full view of the Active Service elector forthwith place it in the outer envelope addressed to the Special Returning Officer, seal the said outer envelope, affix the orderly room stamp or the stamp of the administrative unit thereto, and hand it to the Active Service elector.

31. (1) The commissioned officer before whom the vote has been cast shall, as provided in the immediately preceding section, hand the outer addressed envelope containing the ballot paper to the Active Service elector, who will himself forthwith despatch it by ordinary mail to the Special Returning Officer whose name and address have been printed on the face of the envelope.

Disposition of completed outer envelope.

(2) The commissioned officer shall at the same time inform the Active Service elector that his ballot paper must be received by the Special Returning Officer to whom the envelope is addressed not later than six o'clock in the afternoon, local standard time, of the date fixed for polling day, otherwise it will not be counted.

Warning to Active Service elector.

(3) Every such envelope mailed in Canada shall be carried free of postage. In all other countries the Special Returning Officer shall supply the necessary postage stamps to carry such envelope to its proper destination.

Mailing of outer envelopes.

32. A commissioned officer before whom Active Service electors have cast their votes may cast his own vote in the manner prescribed in these regulations before any other commissioned officer.

Voting by commissioned officer.

33. (1) An Active Service elector who, when casting his vote, has inadvertently dealt with a ballot paper in such manner that it cannot be used shall return it to the commissioned officer, who shall deface it and deliver another in its place. All ballot papers thus defaced shall be classified as spoiled ballots, and when the voting is complete, shall be parcelled and transmitted by the Officer in Command of each unit, to the appropriate Special Returning Officer.

Spoiled ballot paper.

(2) The Commanding Officer shall at the same time transmit to the Special Returning Officer all unused ballot papers and envelopes.

Disposition of unused ballot papers and envelopes.

34. If an Active Service elector is unable to read or write, or is incapacitated from any physical cause, and therefore unable to vote in the manner prescribed in these regulations, the commissioned officer before whom the vote is to be cast, shall assist such elector by marking the ballot paper in the manner directed by the elector, in his presence and in the presence of another Active Service elector, selected by himself, who is able to read and to write.

Incapacitated Active Service elector.

35. Chief Assistants and scrutineers appointed pursuant to sections nine and ten of these regulations shall be entitled to vote in the same manner as Active Service electors, if qualified to vote as civilian electors in Canada. Special

Voting by Chief Assistants and scrutineers.

Returning Officers appointed pursuant to section seven shall not be entitled to vote at a Dominion General Election, during their tenure of office either as Active Service or civilian electors.

Exceptions.

36. Any Active Service elector who is in the place of his ordinary residence on polling day at a Dominion Election may cast his vote in the manner prescribed by *The Dominion Elections Act, 1938*, for civilian electors.

One vote only.

37. No elector shall be entitled, because of anything in these regulations contained, to vote more than once at any election.

Procedure to be followed at the Receiving, Checking, Sorting, Counting and Recording of the Votes cast by Active Service Electors.

Procedure at count.

38. Every operation relating to receiving, checking and sorting to the proper electoral districts of envelopes containing the ballots of Active Service electors, shall be conducted under the supervision of the Special Returning Officer and in the presence of two of the scrutineers who shall work in pairs, each pair consisting of persons representing different and opposed political interests.

Supplying special ballot box.

39. Each Special Returning Officer shall provide himself with a large ballot box, made according to instructions of the Chief Electoral Officer, for each of the two hundred and forty-three electoral districts in Canada. Each ballot box shall have a slit or narrow opening in the top which shall be so constructed that outer envelopes may be easily introduced therein, but cannot be withdrawn therefrom without breaking the seal and unlocking the ballot box.

Marking and arranging ballot boxes.

40. Before the sorting of envelopes to their proper electoral districts is commenced the Special Returning Officer shall cause each ballot box to be plainly marked in large letters with the name of one of the electoral districts of Canada. The ballot boxes shall be placed by provinces, with the electoral districts arranged in alphabetical order in such a way as to be convenient of access for the placing of outer envelopes therein.

Locking and sealing ballot boxes.

41. On the Thursday next following nomination day at the latest, and immediately after careful examination by the scrutineers to assure themselves that there are no ballot or other papers therein, the Special Returning Officer shall securely lock each ballot box and shall retain the key thereof. The padlocks used for locking ballot boxes shall all have a different combination. The Special Returning Officer shall

then seal each ballot box with at least two of the special gummed seals provided for that purpose by the Chief Electoral Officer. After the Special Returning Officer has thus affixed the seals he and the scrutineers shall forthwith sign their names thereon.

42. All ballot boxes shall remain locked and sealed during the period between the Thursday next following nomination day and six o'clock local standard time on polling day, at which hour the actual counting of the votes shall begin.

Ballot boxes
to remain
locked
and sealed.

43. (1) Immediately on receipt of any envelopes containing ballot papers marked by Active Service electors the Special Returning Officer shall:—

Disposition
of outer
envelopes.

(a) Stamp each envelope with the date and hour of its receipt;

(b) Ascertain if the outer envelope bears the official seal of the Chief Electoral Officer and an impression of an orderly room stamp or of the stamp of an administrative unit;

(c) Carefully examine each envelope to ascertain if the declaration printed on the back thereof is signed by both the commissioned officer and the Active Service elector;

(d) Ascertain if all the necessary details are given in the declaration printed on the back of the envelope;

(e) Whether or not the Active Service elector has stated the name of an electoral district in his declaration, ascertain from the details on the outer envelope the correct electoral district containing the place of residence of such elector;

(f) When this has been done, place the envelope (unopened) in the locked and sealed ballot box provided for such electoral district.

(2) All envelopes containing ballot papers marked by Active Service electors which have not been sorted as prescribed in the preceding subsection, to their proper electoral districts at the end of each day, shall be placed by the Special Returning Officer in the special ballot boxes provided for that purpose. Such ballot boxes shall then be locked and sealed in the manner prescribed in Section forty-one of these regulations and shall be kept so locked and sealed until the sorting of outer envelopes is proceeded with on the day following.

Safe keeping
of outer
envelopes
not sorted
at end of day.

44. Before an outer envelope is placed in the ballot box, the name, rank and number of the Active Service elector shall be recorded by the Special Returning Officer or his clerical assistant on the special Form supplied for that purpose by the Chief Electoral Officer.

Recording
name of
Active
Service
elector.

Disposition
of outer
envelope
when
declaration
incomplete.

45. (1) An outer envelope which does not bear the official seal of the Chief Electoral Officer, and the signatures of both a commissioned officer and the Active Service elector concerned, or upon which a complete description of the place of ordinary residence of the elector does not appear, shall also be laid aside, unopened. The Special Returning Officer shall endorse upon each such outer envelope the reason why that envelope has not been opened, and the ballot contained therein shall be deemed a rejected ballot.

Disposition
of outer
envelope
received
too late.

(2) All outer envelopes received by a Special Returning Officer after six o'clock of the afternoon, local standard time, on the day fixed for polling, shall also be laid aside unopened. The Special Returning Officer shall endorse upon each such envelope the reason why the envelope has not been opened, and the ballot contained therein shall be deemed a rejected ballot.

Transmission
to the
Chief
Electoral
Officer.

(3) The Special Returning Officer shall retain all unopened envelopes mentioned in Subsections (1) and (2) of this section in his possession, and, after the counting of the vote is complete, transmit them to the Chief Electoral Officer, as directed in section fifty-seven of these regulations.

Procedure
in certain
cases.

46. Notwithstanding anything in these regulations contained, whenever the number of envelopes sorted to a particular electoral district is so large that it is impossible to introduce more of such envelopes through the slit or narrow opening of the ballot box, the Special Returning Officer shall in the presence of at least one pair of scrutineers each of whom represents a different and opposed political interest, break the seals and open the ballot box, tie the outer envelopes in parcels, place such parcels in the ballot box, and lock and seal the ballot box as directed in section forty-one of these regulations. If no extra space in the ballot box can be secured by this means, an additional ballot box may be used for such electoral district, after it has been marked, examined, locked and sealed as herein prescribed. Whenever it has become necessary to open a ballot box pursuant to the provisions of this section, the scrutineers shall prepare a statement setting forth the reasons for such operation and the date thereof. The scrutineers shall both sign the said statement and deposit it in the ballot box before it is again locked and sealed.

Commence-
ment
counting of
the vote.

47. At six o'clock in the afternoon, local standard time, on polling day, the Special Returning Officer shall cause the actual counting of the vote to be commenced. Such counting shall be carried on with all possible despatch, and

shall be completed not later than one o'clock in the afternoon, local standard time, on the Monday next following polling day.

48. In the counting of votes, scrutineers shall work in pairs, each pair consisting of persons representing different and opposed political interests. The Special Returning Officer shall instruct each pair of scrutineers to count the ballots for only one electoral district at a time. Each pair of scrutineers shall be supplied by the Special Returning Officer with a clerical assistant who will perform the duties of a poll clerk, after being sworn to the faithful performance of his duties before the Special Returning Officer, on the form provided in the poll book for that purpose.

Scrutineers
to work
in pairs.

Swearing of
poll clerk.

49. The contents of the ballot box sorted to a given electoral district shall be placed upon a table and the ballot box shall then be again locked and sealed. Each outer envelope shall then be opened and the inner envelope taken therefrom and immediately placed, unopened, in the ballot box.

Procedure on
re-opening
ballot box.

50. The name, rank, and number of the Active Service elector shall then be entered in the appropriate columns of the special poll book provided by the Chief Electoral Officer, from the information given on the back of the outer envelope.

Entries in
poll book.

51. When all the outer envelopes for an electoral district have been opened and the inner envelopes placed in the ballot box, the ballot box shall again be unlocked and opened and its contents placed upon a table. The scrutineers shall then open the inner envelopes and ascertain if the number of such ballot papers corresponds with the number of names of Active Service electors entered in the poll book. If the number of ballot papers found in the ballot box does not correspond with the number of names of Active Service electors entered in the poll book, the scrutineers shall make a report to that effect to the Special Returning Officer, stating all particulars, and shall attach such report to the official statement of the count hereinafter mentioned. The scrutineers shall then proceed to count the votes cast for each candidate and when this has been done, shall make four copies of a statement of the count on the Form No. 8 provided for that purpose in the poll book. One copy of such statement shall remain attached to the poll book, the official copy shall be forthwith delivered to the Special Returning Officer, and the two scrutineers shall each retain a copy of such statement in his possession. The inner envelopes shall then be destroyed.

Procedure
when
counting
votes.

Ballot paper
not to be
rejected for
uncertainty.

52. No ballot paper shall be rejected for uncertainty as to the candidate intended to be voted for by reason only of the misspelling of any name, or the addition of any prefix to any name thereon, if, notwithstanding, it is possible to ascertain by mere examination of such ballot paper, for whom the Active Service elector intended to vote; nor shall any ballot be rejected as containing a possible identifying mark unless such mark is obviously intended as such.

Counting
of votes
cast for
candidate.

53. A vote for a candidate shall be counted for such candidate in the electoral district in which the Active Service elector appears, from the declaration on the outer envelope, to be qualified to vote.

Disposition
of ballot
papers, etc.

54. The outer envelopes from which the ballot papers have been taken, the ballot papers counted for each candidate, the ballot papers rejected during the count and the poll book, relating to each electoral district, shall be parcelled together by the scrutineers and delivered forthwith to the Special Returning Officer after the names of such electoral district and the province to which it belongs have been plainly marked on each such parcel.

Rejection of
ballot papers.

55. In counting the votes the scrutineers shall, with the approval of the Special Returning Officer, reject all ballot papers

- (a) which have not been supplied by the Special Returning Officer,
- (b) which have not been marked with the name of any candidate,
- (c) which have been marked for a person who has not been officially nominated as a candidate in the electoral district to which the ballot paper has been sorted, as shown on the list of names, addresses and occupations of candidates supplied by the Chief Electoral Officer, pursuant to section twenty-four of these regulations,
- (d) upon which the Active Service elector appears to have intentionally made a mark by which he might afterwards be identified.

Disposition
of rejected
ballot
papers.

56. After the counting of the ballot papers sorted to an electoral district is complete, the scrutineers shall place all rejected ballot papers in the special envelope supplied for that purpose and, after inserting the necessary details thereon, shall forthwith deliver such envelope to the Special Returning Officer, with the other documents, as prescribed in section fifty-four of these regulations.

57. Immediately after the counting of the votes of Active Service electors has been completed for every electoral district, each Special Returning Officer shall forthwith deliver or transmit to the Chief Electoral Officer at Ottawa, the following papers, documents and supplies:—

Transmission of ballot papers, etc., to Chief Electoral Officer.

- (a) The parcels containing the outer envelopes from which ballot papers have been taken, the ballot papers counted for each candidate, the ballot papers rejected during the count and the poll book, which have been received by him from the scrutineers.
- (b) The official statements of the count received from the scrutineers.
- (c) The unopened outer envelopes, laid aside pursuant to section forty-five of these regulations.
- (d) The complete files of correspondence, reports and records in the office of the Special Returning Officer.
- (e) All office equipment and supplies furnished by the Chief Electoral Officer.
- (f) The ballot papers spoiled by Active Service electors and received pursuant to section thirty-three of these regulations.
- (g) The record of the distribution of ballot papers to Commanding Officers referred to in section twenty-three of these regulations.
- (h) The unused ballot papers and envelopes.

58. Immediately after the counting of the votes of Active Service electors has been completed for every electoral district, but not later than three o'clock in the afternoon, local standard time, of the Monday next following polling day the Special Returning Officer in the United Kingdom shall advise the Chief Electoral Officer by cable as to the number of votes counted in his office, according to the official statement of the count received by him from the scrutineers, pursuant to section fifty-one of these regulations, for each candidate in every electoral district in Canada. And the Special Returning Officers at Ottawa, Halifax and Edmonton shall deliver or communicate by telegraph a similar statement to the Chief Electoral Officer.

Result of the count to be communicated to the Chief Electoral Officer.

59. Upon receipt of the result of the vote of Active Service electors from every Special Returning Officer, the Chief Electoral Officer shall compute the total vote cast by Active Service electors for each candidate in every electoral district in Canada and forthwith telegraph or otherwise communicate the result in each electoral district to the appropriate returning officer.

How dealt with by Chief Electoral Officer.

Offences and Penalties.

Liability of
Active
Service
elector.

60. Any Active Service elector who

- (a) attempts to obtain or communicate any information as to the person for whom any ballot paper has been marked by an Active Service elector, or prevents or endeavours to prevent any Active Service elector from voting,
- (b) knowingly applies for a ballot paper to which he is not entitled, or
- (c) makes any untrue statement in the declaration signed by him before a commissioned officer,

shall be guilty of an offence against these regulations and liable to a fine of two hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

Penalty for
intimidation, etc., of
Active
Service
elector.

61. Every person is guilty of an indictable offence against these regulations who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any temporal or spiritual injury, damage, harm or loss, or in any manner practises intimidation upon or against any Active Service elector, in order to induce or compel such elector to vote for any candidate or to refrain from voting, or on account of such Active Service elector having voted for any candidate or refrained from voting at any general election or who, by abduction, duress, or any false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any such elector, or thereby compels or induces or prevails upon any such elector either to vote for any candidate or to refrain from voting at any general election.

Penalty for
indictable
offence.

62. (1) Any indictable offence against these regulations may be prosecuted alternatively on indictment or by way of summary conviction.

(2) Any person who is guilty of any indictable offence against these regulations is liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution or to imprisonment for a term not exceeding two years, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to

imprisonment with or without hard labour for such term or such further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

Supplemental Provisions.

63. The validity of any election of a Member to serve in the House of Commons shall not be questioned on the ground of any omission or irregularity in connection with the administration of these regulations, if such omission or irregularity did not affect the result of the election, nor on the ground that, for any reason, it was found impossible to secure the vote of any Active Service elector hereunder.

Validity of election not affected by non-compliance.

64. The provisions of *The Dominion Elections Act, 1938*, relating to a recount of votes by a Judge shall apply, *mutatis mutandis*, to all votes counted and rejected after being duly cast by Active Service electors under the provisions of these regulations, which have been transmitted by Special Returning Officers to the Chief Electoral Officer, pursuant to section fifty-seven of these regulations.

Recounting of votes.

65. For the purpose of carrying into effect the provisions of these regulations, or supplying any deficiency therein, the Chief Electoral Officer may issue such instructions, not inconsistent therewith, as may be deemed necessary to the execution of its intent.

Special powers of Chief Electoral Officer.

66. All accounts for services and expenses in connection with these regulations shall be taxed and paid by the Auditor General.

Taxation and payment of accounts.

67. Any expenses incurred in the administration of these regulations shall be paid out of any unappropriated moneys in the Consolidated Revenue Fund of Canada.

Consolidated Revenue Fund.

FORM No. 1.

OATH OF A SPECIAL RETURNING OFFICER. (Sec. 8).

I, the undersigned.....,
 appointed Special Returning Officer for.....

 pursuant to the provisions of Section seven of *The Active
 Service Voting Regulations*, do solemnly swear (*or affirm*) that
 I will act faithfully in my said capacity of Special Returning
 Officer, without partiality, fear, favour or affection, and
 that I will keep secret the names of the candidates for
 whom any Active Service elector has marked his ballot
 paper at a Dominion election, during my tenure of office as
 Special Returning Officer. So help me God.

.....
Signature of Special Returning Officer.

CERTIFICATE OF OATH OF SPECIAL RETURNING OFFICER.

I, the undersigned, do hereby certify that on the
day of.....19.....,
 the Special Returning Officer above named made and sub-
 scribed the above set forth oath (*or affirmation*). In testi-
 mony whereof I have issued this certificate under my hand.

.....
Chief Electoral Officer.

(or)

.....
Judge of the.....Court.

FORM No. 2.

APPOINTMENT OF SCRUTINEER. (Sec. 9).

To.....whose address is
and whose occupation is.....

Know you that, pursuant to the authority vested in me under Section nine of *The Active Service Voting Regulations* I do hereby appoint you as Scrutineer in the Office of the Special Returning Officer at.....
 in.....

Dated at the City of Ottawa this.....
 day of.....19....

.....
Chief Electoral Officer.

OATH OF SCRUTINEER. (Sec. 9).

I, the undersigned, appointed Scrutineer, pursuant to Section nine of *The Active Service Voting Regulations*, do solemnly swear (*or affirm*) that I will act faithfully in my said capacity as Scrutineer, without partiality, fear, favour or affection, and that I will keep secret the names of the candidate for whom any Active Service elector has marked his ballot paper at a Dominion election, during my tenure of office as such Scrutineer. So help me God.

.....
Signature of Scrutineer.

CERTIFICATE OF OATH OF SCRUTINEER.

I, the undersigned, do hereby certify that on theday of.....19....,
 the Scrutineer above named made and subscribed the above set forth oath (*or affirmation*). In testimony whereof I have issued this certificate under my hand.

.....
Chief Electoral Officer.

(or)

.....
Judge of the.....Court.

FORM No. 3.

OATH OF CHIEF ASSISTANT. (Sec. 10).

I, the undersigned, appointed Chief Assistant in the office of the Special Returning Officer for..... pursuant to Section ten of *The Active Service Voting Regulations*, do solemnly swear (*or affirm*) that I will act faithfully in my said capacity as such Chief Assistant without partiality, fear, favour or affection, and that I will keep secret the names of the candidate for whom any Active Service elector has marked his ballot paper at a Dominion election, during my tenure of office as such Chief Assistant. So help me God.

.....
Signature of Chief Assistant.

CERTIFICATE OF OATH OF CHIEF ASSISTANT.

I, the undersigned, do hereby certify that on the day of.....19....., the Chief Assistant above named made and subscribed the above set forth oath (*or affirmation*). In testimony whereof I have issued this certificate under my hand.

.....
Chief Electoral Officer.

(or)

.....
Judge of the.....Court.

FORM No. 4.

APPOINTMENT AND OATH OF CLERICAL ASSISTANT.
(Sec. 13).

APPOINTMENT.

To.....whose address is
.....and whose occupation is
.....

Know you that, pursuant to the authority vested in me under Section thirteen of *The Active Service Voting Regulations*, I do hereby appoint you a Clerical Assistant in my office.

.....
Special Returning Officer.

OATH OF CLERICAL ASSISTANT.

I, the undersigned, appointed Clerical Assistant in the office of the Special Returning Officer for....., pursuant to Section thirteen of *The Active Service Voting Regulations*, do solemnly swear (or affirm) that I will act faithfully in my said capacity as such Clerical Assistant without partiality, fear, favour or affection, and that I will keep secret the names of the candidate for whom any Active Service elector has marked his ballot paper at a Dominion election, during my tenure of office as such Clerical Assistant. So help me God.

.....
Clerical Assistant.

CERTIFICATE OF OATH OF CLERICAL ASSISTANT.

I, the undersigned, do hereby certify that on the..... day of.....19...., the Clerical Assistant above named made and subscribed the above set forth oath (or affirmation). In testimony whereof I have issued this certificate under my hand.

.....
Special Returning Officer.

FORM No. 5.

NOTICE TO ACTIVE SERVICE ELECTORS THAT GENERAL
ELECTION HAS BEEN ORDERED IN CANADA. (Sec. 16).

Public Notice is Hereby Given that Writs of Election have been issued ordering that a General Election be held in every electoral district in Canada, that the Nomination of Candidates will be held on the day of 19 .
That the day fixed as polling day will be , the
 day of 19 .

That, pursuant to *The Active Service Voting Regulations*, all Active Service electors as defined by the said Regulations, are entitled to vote at such election and that Active Service electors may cast their votes before any Commissioned Officer designated by the Commanding Officer of his unit for that purpose, on application to such Officer during such hours as may be indicated by the officer commanding, not less than three each day, between nine o'clock in the forenoon and nine o'clock in the afternoon, local standard time, (*The remainder of this paragraph will be altered to suit the circumstances*) during the period between the Thursday immediately following Nomination Day, if the Active Service elector be in any unit outside of Canada, and if he be in any unit within Canada between the Saturday following Nomination Day, and, in either case, the Saturday immediately preceding polling day, inclusive, but excepting Good Friday and Sunday, and that the votes of Active Service electors will be applied only to the electoral district in which such electors ordinarily resided immediately preceding the date of their appointment, enlistment, enrolment or calling out.

Given under my hand at.....this.....
day of.....19.....

.....
Commanding Officer.

FORM No. 6.

FORM OF BALLOT PAPER. (Sec. 22).

Front

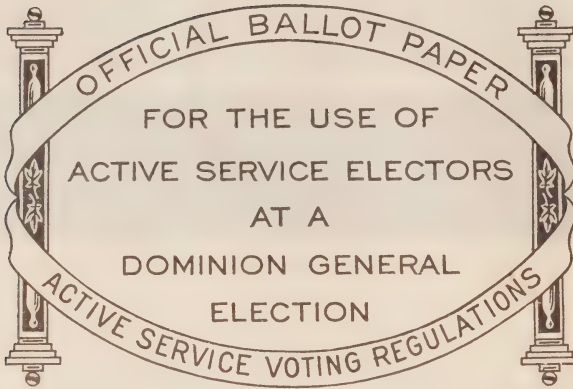
THE ACTIVE SERVICE ELECTOR WILL WRITE THE NAME
(OR INITIALS) AND SURNAME OF THE CANDIDATE
FOR WHOM HE WISHES TO VOTE, IN THE SPACE
PROVIDED HEREUNDER FOR THAT PURPOSE.

I VOTE FOR.....
(Write Name of Candidate—Family Name Last.)

FORM No. 6.—(*Concluded*).

FORM OF BALLOT PAPER

Back



Supplied by the Chief Electoral Officer for Canada, pursuant to the provisions of Section Twenty-one of The Active Service Voting Regulations.

Printed by.....
(Insert name and address of printer)

FORM No. 7.

DECLARATION TO BE MADE BY AN ACTIVE SERVICE
ELECTOR (Sec. 29).

1. What is your name?
2. What is your rank?..... What is your number?
.....
3. Are you a British subject?..... 4. Have you pre-
viously voted at this general election?.....
5. Were you ordinarily resident in Canada when you were
appointed, enlisted, enrolled or called out on active
service?
6. If so specify the name of the city, town or village (*giving
complete street address, if any*), or other place wherein
you ordinarily resided immediately preceding your
appointment, enlistment, enrolment or calling out on
active service.....
.....
7. Name the province in which such place is situated.....
8. Name if you can the electoral district wherein such place
is situated.....
.....

I hereby declare that the answers to the above questions
are true in substance and in fact.

Dated this.....day of.....19....

.....
Signature of Active Service elector.

I hereby certify that the above named Active Service
elector did this day make before me the above set forth
declaration.

.....
Signature of Commissioned Officer.

.....
*(Here insert rank and name or
number of unit)*

FORM No. 8.

STATEMENT OF THE COUNT AFTER THE BALLOT PAPERS
FOR A GIVEN ELECTORAL DISTRICT HAVE BEEN
COUNTED. (Sec. 52).

Electoral District of

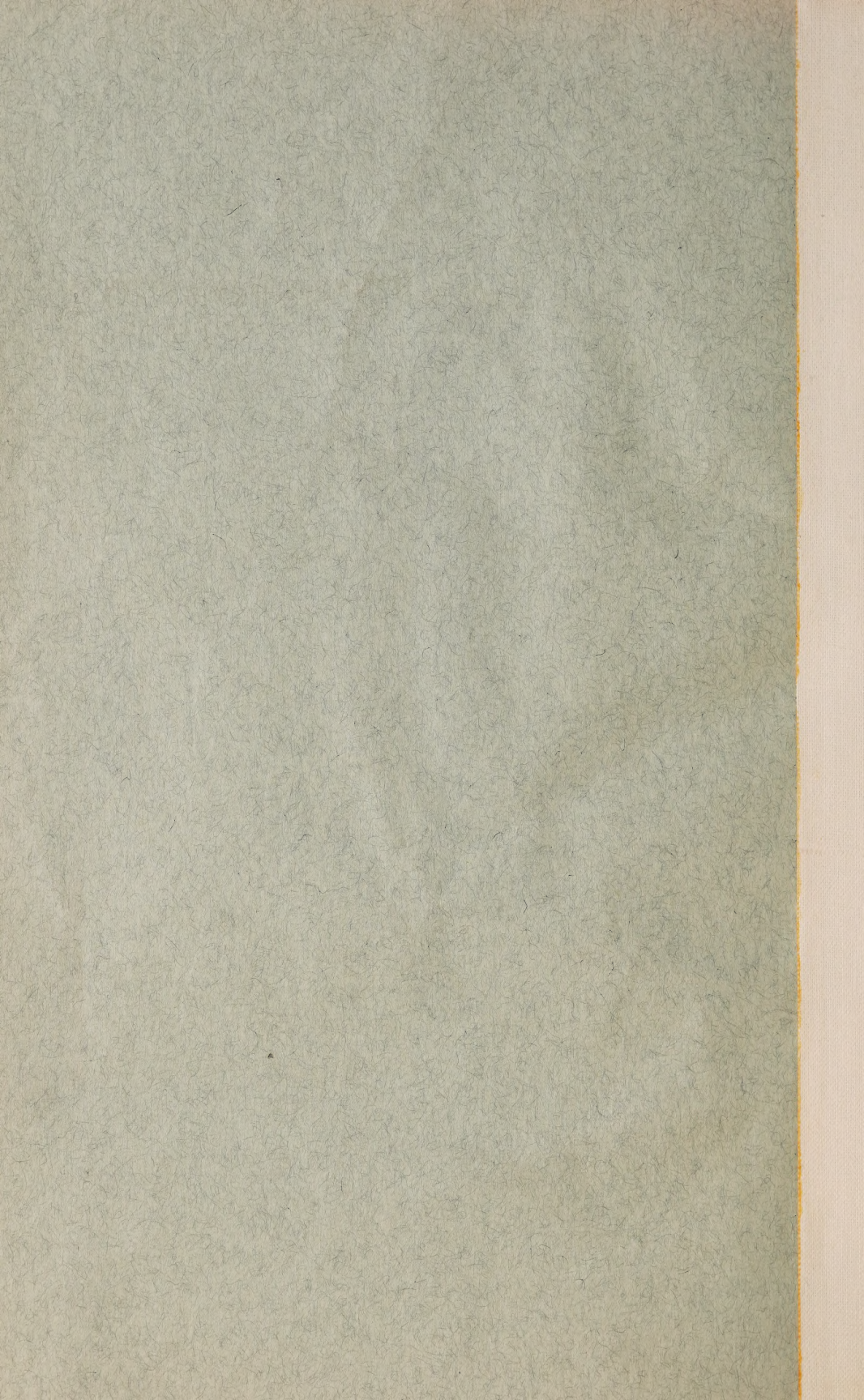
Number of ballot papers cast for.....
“ “ “
“ “ “
“ “ “
“ “ “
“ “ “
“ “ “
Number of ballot papers rejected during count.....

Total number of ballot papers found in ballot box.....

I hereby certify that the above statement is correct.

Dated at..... }
this.....day of....., 19.... } *Scrutineer.*

I hereby certify that the above
statement is correct. }
Dated at..... } *Scrutineer.*
this.....day of....., 19.... }



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